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8 STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 KAREN LEE,

12 Plaintiff,

13 V.

14 STATE FARM MUTUAL AUTOMOBILE
15 INSURANCE COMPANY, DOES 1
THROUGH 100, INCLUSIVE,

16 Defendants.
17

CASE NO. C-07-03913 JSW

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY THE ORDER
SELECTING ADR PROCESS AND
VACATE THE NOTICE OF
APPOINTMENT OF MEDIATOR**

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19 All parties, by and through their respective counsel, hereby stipulate to modify the Order
20 Selecting ADR Process and Vacate the Notice of Appointment of Mediator as follows:

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22 **I.
RECITALS**

23 1. Pursuant to the Notice of Appointment of Mediator filed on December 13, 2007, the
24 Court appointed Richard A. Sipos as mediator in this case.

25 2. The parties have discussed what forum would provide the best chance to settle this
26 matter. The parties have agreed that an early settlement conference with a magistrate judge offers
27 the best potential for settlement. The parties have agreed to submit the case to Magistrate Judge
28 Bernard Zimmerman for that purpose. A mediation with Mr. Sipos and an early settlement

1 conference with Magistrate Judge Zimmerman would be duplicative.

2 3. For these reasons, the parties have agreed to stipulate to modify the Order Selecting
3 ADR Process and request that the Court vacate the Notice of Appointment of Mediator naming
4 Richard A. Sipos.

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6 **II.
STIPULATION**

7 The parties hereby stipulate to the modify the Order Selecting ADR Process as follows:

- 8 1. The parties stipulate to submit this matter to Magistrate Judge Bernard Zimmerman
9 for an early settlement conference;
- 10 2. The parties agree to hold the early settlement conference by February 11, 2008. If
11 Magistrate Judge Zimmerman is not available before February 11, 2008, the parties
12 stipulate to hold the early settlement conference on the first mutually agreeable date
13 on Magistrate Judge Zimmerman's calendar; and
- 14 3. The parties stipulate to an order vacating the Notice of Appointment of Mediator
15 naming Richard A. Sipos.
16

17 Dated: January 3, 2008

HAYES, DAVIS, BONINO,
ELLINGSON, McLAY & SCOTT

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19
20 By 

STEPHEN P. ELLINGSON
Attorneys for Defendant
STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

21
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23
24 Dated: January 3, 2008

MICHEL & FACKLER

25
26 By 

MICHAEL D. MICHEL
JEFF M. FACKLER
Attorneys for Plaintiff
KAREN LEE

[PROPOSED] ORDER

Pursuant to the parties' stipulation, the Order Selecting ADR Process is hereby modified as follows:

1. The case shall be submitted to an early settlement conference with Magistrate Judge Bernard Zimmerman;
2. The parties shall hold the early settlement conference by February 11, 2008. If Magistrate Judge Zimmerman is not available before February 11, 2008, the parties shall hold the early settlement conference on the first mutually agreeable date on Magistrate Judge Zimmerman's calendar; and
3. The Notice of Appointment of Mediator naming Richard A. Sipos is hereby vacated.

IT IS SO ORDERED.

Dated: January 4, 2008


HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA